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7 Attorneys for Defendant
Wells Fargo Bank, N.A.

8 UNITED STATES DISTRICT COURT
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10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 LATASHA McLAUGHLIN, on behalf of
herself and all others similarly situated,

13 Plaintiff,

14 vs.
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16 WELLS FARGO BANK, N.A., d/b/a WELLS
FARGO HOME MORTGAGE,

17 Defendant.
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Case No.: 3:15-cv-02904-WHA

**STIPULATED REQUEST FOR ORDER TO
FILE WELLS FARGO BANK, N.A.'S
PROPOSED ANSWER AND
AFFIRMATIVE DEFENSES; AND
[PROPOSED] ORDER**

Honorable William H. Alsup

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Case No. 3:15-cv-02904-WHA

STIPULATED REQUEST FOR ORDER TO FILE WELLS FARGO BANK, N.A.'S PROPOSED ANSWER AND
AFFIRMATIVE DEFENSES; AND [PROPOSED] ORDER

1 Plaintiff Latasha McLaughlin and Defendant Wells Fargo Bank, N.A., by and through their
2 respective counsel, stipulate as follows:

3 WHEREAS, Plaintiff served a copy of the Summons and Complaint on Wells Fargo on June
4 24, 2015 (the “Complaint”) [Dkt. 1];

5 WHEREAS, Wells Fargo served its Motion to Dismiss the Complaint on August 14, 2015,
6 which was denied on October 29, 2015 [Dkt. 20];

7 WHEREAS, the Court entered the Case Management Order and Reference to Magistrate
8 Judge for Mediation/Settlement on October 29, 2015, which establishes the non-expert discovery
9 cut-off date is August 31, 2016 (the “Case Management Order”) [Dkt. 37];

10 WHEREAS, Wells Fargo did not file its answer or affirmative defenses within the time
11 period allowed by Rule 12 of the Federal Rules of Civil Procedure;

12 WHEREAS, Plaintiff filed a motion to preclude Wells Fargo’s affirmative defenses and
13 noticed a hearing for April 21, 2016 [Dkt. 98];

14 WHEREAS, Wells Fargo filed a motion pursuant to Federal Rule of Civil Procedure
15 6(b)(1)(B) to extend the time to file its answer and affirmative defenses and noticed a hearing for
16 April 21, 2016 [Dkt. 99];

17 WHEREAS, Wells Fargo has not yet filed its opposition to Plaintiff’s motion and Plaintiff
18 has not yet filed her opposition to Wells Fargo’s motion;

19 WHEREAS, the Parties have met and conferred in good faith and agree to withdraw both
20 motions and vacate the April 21, 2016 hearing date pursuant to Civil Local Rule 7-7(e), and further
21 agree that Wells Fargo shall file its answer and affirmative defenses, substantively identical to the
22 form attached hereto as Exhibit A. The Parties agree that Plaintiff shall not assert an objection or
23 challenge the answer or affirmative defenses based on the date of Wells Fargo’s filing of the answer
24 and affirmative defenses.

25 WHEREAS, Plaintiff and Defendant will work in good faith to provide any discovery
26 (including documents and witness depositions) related to the affirmative defenses asserted by Wells

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1 Fargo prior to the non-expert discovery cut-off date included in the Case Management Order, or its
2 amendments (the “Discovery Cut-Off”);

3 WHEREAS, the Parties agree that to the extent Plaintiff believes in good faith that additional
4 time for discovery into Wells Fargo affirmative defenses is necessary, the Parties will confer
5 regarding a reasonable extension to the current discovery schedule, and the Parties will jointly move
6 this Court for a reasonable extension of the Discovery Cut-Off in order to complete such discovery.

7 THEREFORE, Plaintiff and Wells Fargo hereby agree:

- 8 1. Plaintiff shall file a notice of withdrawal of her motion to preclude affirmative
9 defenses no later than March 28, 2016.
- 10 2. Wells Fargo shall file a notice of withdrawal of its motion to extend the time to file its
11 answer and affirmative defenses no later than March 28, 2016.
- 12 3. Within five business days of execution of this order by the Court, Wells Fargo shall
13 file its answer and affirmative defenses, substantively identical to the form attached
14 hereto as Exhibit A. Plaintiff shall not assert an objection or challenge the answer or
15 affirmative defenses based on the date of Wells Fargo’s filing of the answer and
16 affirmative defenses.
- 17 4. Plaintiff and Wells Fargo will work in good faith to provide any discovery (including
18 documents and witness depositions) related to the affirmative defenses asserted by
19 Wells Fargo prior to the Discovery Cut-Off.
- 20 5. To the extent Plaintiff believes in good faith that additional time for discovery into
21 Wells Fargo affirmative defenses is necessary, the Parties will confer regarding a
22 reasonable extension to the current discovery schedule, and the Parties will jointly
23 move this Court for a reasonable extension of the Discovery Cut-Off in order to
24 complete such discovery.

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REED SMITH LLP
A limited liability partnership formed in the State of Delaware

1 **IT IS SO STIPULATED.**

2 DATED: March 28, 2016

REED SMITH LLP

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4 By: /s/ Ashley Shively
Ashley L. Shively
Attorneys for Defendant
Wells Fargo Bank, N.A.

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7 DATED: March 28, 2016


WOLF POPPER LLP

8 By: /s/ Matthew Insley-Pruitt
Patricia I. Avery (*pro hac vice*)
Matthew Insley-Pruitt (*pro hac vice*)
Counsel for Plaintiff and the Class

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11 **BERMAN DEVALERIO**
Joseph J. Tabacco, Jr.
Kristin J. Moody
Local Counsel for Plaintiff and the Class

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14 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

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16 Dated March 29, 2016., 2016

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WILLIAM H. ALSUP
UNITED STATES DISTRICT JUDGE